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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/710,404	11/10/2000	Robert E. Haines	10003221-1	5360
22879	7590	01/11/2005	EXAMINER	
HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			LEE, TOMMY D	
			ART UNIT	PAPER NUMBER
			2624	

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/710,404

Applicant(s)

HAINES ET AL.

Examiner

Thomas D. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☒ Claim(s) 23-26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>20040920</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Amendment***

1. This Office action is responsive to applicant's amendment filed September 20, 2004. Claims 1-26 are pending.

***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1-4, 7-12, 15-18, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 4,167,322 (Yano et al.) in view of U.S. Patent 6,023,593 (Tomidokoro).

Regarding claim 1, Yano et al. disclose an image forming device comprising: storage circuitry configured to store an initial variable (non-volatile RAM provided a computer of one of a plurality of copying machines (column 4, lines 50-59)); imaging circuitry configured to consume the imaging consumable to form hard images (each copying machine consumes copy sheets, toner (column 2, lines 39-45, 54-65)); a sensor configured to monitor a status of the imaging consumable and to output a signal indicative of the status (number of copy sheets, amount of toner sensed (column 3, lines 37-57), parameters output for display at any of the copying machines (column 4, lines 4-19)); processing circuitry configured to replace the initial variable with another variable, and to receive the signal from the sensor (keyboard provided for user to indicate parameters to be displayed (column 4, lines 15-19), selective viewing of only certain parameters or even only one parameter at a time (column 4, lines 4-10) suggest

replacement of initial variable with another variable); and an interface configured to communicate externally of the image forming device (parameters of all copying machines may be monitored at any of the copying machines (communication of parameters through bus lines (column 4, lines 46-49)).

The storage and processing circuitry and interface disclosed in Yano et al. are not configured to store, process and communicate a variable *configured to control the formulation of an initial one or another one of a plurality of consumable order assist functions configured to assist replenishment of an imaging consumable*, as the disclosure is not concerned with communicating orders for replenishing copy sheets or toner. Tomidokoro discloses a consumable item supplying system, wherein upon receipt of a polling signal from a data communication apparatus, one of a plurality of copiers outputs a signal corresponding to consumables which need to be replenished, for transmission to a consumable item supplier via a central control device (read Abstract; column 6, lines 44-67). Tomidokoro, in response to the polling signal, automatically transmits a consumable order request when a consumable needs to be replenished, thereby relieving a user of the responsibility of having to create and transmit such a request when a shortage of a consumable is detected at one of the copiers, which would be necessary in Yano et al. Therefore, it would have been obvious for one of ordinary skill in the art to modify the teaching of Yano et al. by providing a means for enabling a copying machine to create and transmit a consumable order request in the manner disclosed in Tomidokoro.

Regarding claims 2 and 3, one of the copying machines disclosed by Yano et al. receives parameter information from each of the other copying machines through bus lines (column 4, lines 42-49). In order to receive such information, the receiving copying machine must inherently use some type of "remote query language" for inquiring the information from the other copying machines, which are remote from the receiving copying machine. As for the use of a Simple Network Management Protocol, one of ordinary skill would have recognized this as just one of a number of ways that parameter information can be communicated between two apparatuses. It is not apparent from the applicant's specification that use of a Simple Network Management Protocol provides any advantage or unexpected result over another method for performing the same function. Therefore, it would have been obvious for one of ordinary skill in the art to use a Simple Network Management Protocol or any other known method in accordance with a user's preference.

Regarding claim 4, the imaging circuitry disclosed in Yano et al. comprises printer circuitry to print hard images upon media (copying machine includes printer (column 4, lines 62-65) with inherent printer circuitry).

Regarding claim 7, the processing circuitry disclosed in Tomidokoro is configured to formulate the another consumable order assist function comprising an order for the imaging consumable being monitored, and the processing circuitry is configured to forward the order to a predetermined location (data communicated from one of the copiers to a central control apparatus includes an information code representing amount and kind of consumable item requested (column 12, lines 27-48). While a code

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identifying the copier making the request is not explicitly disclosed, such a feature is well known in the art, and one of ordinary skill in the art would have readily recognized the need to provide such information, since it would be difficult to determine which copier made the request otherwise.

Regarding claim 8, Yano et al. disclose an image forming system comprising: an image forming device configured to consume an imaging consumable to form hard images (plural copying machines copy images onto copy sheets (column 2, lines 31-38)), to monitor a status of the imaging consumable (number of copy sheets, amount of toner sensed (column 3, lines 37-57), and to store an initial variable (non-volatile RAM provided a computer of one of a plurality of copying machines (column 4, lines 50-59)); and a host device coupled with the image forming device and configured to provide another variable to the image forming device, wherein the image forming device is configured to replace the initial variable with the another variable (keyboard provided in one of the copying machines for user to indicate parameters from any of the copying machines to be displayed (column 4, lines 11-19), selective viewing of only certain parameters or even only one parameter at a time (column 4, lines 4-10) suggest replacement of initial variable with another variable).

As mentioned above with respect to claim 1, the copying machines disclosed in Yano et al. are not *configured to control the formulation of an initial one or another one of a plurality of consumable order assist functions configured to assist replenishment of an imaging consumable, responsive to the detection of a predetermined status of the imaging consumable*, as the disclosure is not concerned with communicating orders for

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replenishing copy sheets or toner. Tomidokoro discloses a consumable item supplying system, wherein upon receipt of a polling signal from a data communication apparatus, one of a plurality of copiers outputs a signal corresponding to consumables which need to be replenished, for transmission to a consumable item supplier via a central control device (read Abstract; column 6, lines 44-67). Tomidokoro, in response to the polling signal, automatically transmits a consumable order request when a consumable needs to be replenished, thereby relieving a user of the responsibility of having to create and transmit such a request when a shortage of a consumable is detected at one of the copiers, which would be necessary in Yano et al. Therefore, it would have been obvious for one of ordinary skill in the art to modify the teaching of Yano et al. by providing a means for enabling a copying machine to create and transmit a consumable order request in the manner disclosed in Tomidokoro.

Regarding claims 9 and 10, one of the copying machines disclosed by Yano et al. receives parameter information from each of the other copying machines through bus lines (column 4, lines 42-49), as mentioned above with respect to claims 2 and 3. In order to receive such information, the receiving copying machine must inherently use some type of "remote query language" for inquiring the information from the other copying machines, which are remote from the receiving copying machine. As for the use of a Simple Network Management Protocol, one of ordinary skill would have recognized this as just one of a number of ways that parameter information can be communicated between two apparatuses. It is not apparent from the applicant's specification that use of a Simple Network Management Protocol provides any

advantage or unexpected result over another method for performing the same function. Therefore, it would have been obvious for one of ordinary skill in the art to use a Simple Network Management Protocol or any other known method in accordance with a user's preference.

Regarding claim 11, the imaging circuitry disclosed in Yano et al. comprises printer circuitry to print hard images upon media (copying machine includes printer (column 4, lines 62-65) with inherent printer circuitry), as mentioned above with respect to claim 4.

Regarding claim 12, the image forming device disclosed in Tomidokoro is configured to formulate the another consumable order assist function (column 12, lines 27-48).

Regarding claim 15, the processing circuitry disclosed in Tomidokoro, as mentioned above with respect to claim 7, is configured to formulate the another consumable order assist function comprising an identifier of the image forming device and an order for the imaging consumable being monitored, and the processing circuitry is configured to forward the order to a predetermined location (data communicated from one of the copiers to a central control apparatus includes an information code representing amount and kind of consumable item requested (column 12, lines 27-48). While a code identifying the copier making the request is not explicitly disclosed, such a feature is well known in the art, and one of ordinary skill in the art would have readily recognized the need to provide such information, since it would be difficult to determine which copier made the request otherwise.



Regarding claim 16, Yano et al. discloses a method of facilitating ordering of an imaging consumable useable within an image forming device comprising: providing an image forming device configured to use an imaging consumable to form hard images (each copying machine consumes copy sheets, toner (column 2, lines 39-45, 54-65)); providing an initial variable within the image forming device (non-volatile RAM provided a computer of one of a plurality of copying machines (column 4, lines 50-59)); replacing the initial variable with another variable within the image forming device (keyboard provided for user to indicate parameters to be displayed (column 4, lines 15-19), selective viewing of only certain parameters or even only one parameter at a time (column 4, lines 4-10) suggest replacement of initial variable with another variable); and detecting an amount of the imaging consumable being at a predetermined status (number of copy sheets, amount of toner sensed (column 3, lines 37-57)).

The providing and replacing steps disclosed in Yano et al. are not disclosed to provide, replace and generate a variable *configured to control the formulation of an initial one or another one of a plurality of consumable order assist functions configured to assist replenishment of an imaging consumable*, as the disclosure is not concerned with communicating orders for replenishing copy sheets or toner. As mentioned with respect to claim 1, Tomidokoro discloses a consumable item supplying system, wherein upon receipt of a polling signal from a data communication apparatus, one of a plurality of copiers outputs a signal corresponding to consumables which need to be replenished, for transmission to a consumable item supplier via a central control device (read Abstract; column 6, lines 44-67). Tomidokoro, in response to the polling signal,

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automatically transmits a consumable order request when a consumable needs to be replenished, thereby relieving a user of the responsibility of having to create and transmit such a request when a shortage of a consumable is detected at one of the copiers, which would be necessary in Yano et al. Therefore, it would have been obvious for one of ordinary skill in the art to modify the teaching of Yano et al. by providing a means for enabling a copying machine to create and transmit a consumable order request in the manner disclosed in Tomidokoro.

Regarding claim 17, one of the copying machines disclosed by Yano et al. receives parameter information from each of the other copying machines through bus lines (column 4, lines 42-49), as mentioned above with respect to claim 2. In order to receive such information, the receiving copying machine must inherently use some type of "remote query language" for inquiring the information from the other copying machines, which are remote from the receiving copying machine.

Regarding claim 18, the imaging circuitry disclosed in Yano et al. comprises printer circuitry to print hard images upon media (copying machine includes printer (column 4, lines 62-65) with inherent printer circuitry), as mentioned above with respect to claim 4.

Regarding claim 21, the processing circuitry disclosed in Tomidokoro, as mentioned above with respect to claim 7, is configured to formulate the another consumable order assist function comprising an identifier of the image forming device and an order for the imaging consumable being monitored, and the processing circuitry is configured to forward the order to a predetermined location (data communicated from

one of the copiers to a central control apparatus includes an information code representing amount and kind of consumable item requested (column 12, lines 27-48). While a code identifying the copier making the request is not explicitly disclosed, such a feature is well known in the art, and one of ordinary skill in the art would have readily recognized the need to provide such information, since it would be difficult to determine which copier made the request otherwise.

Regarding claim 22, Tomidokoro discloses generation using the image forming device (as mentioned with respect to claim 1, Tomidokoro discloses a consumable item supplying system, wherein upon receipt of a polling signal from a data communication apparatus, one of a plurality of copiers outputs a signal corresponding to consumables which need to be replenished, for transmission to a consumable item supplier via a central control device (read Abstract; column 6, lines 44-67).

4. Claims 5, 6, 13, 14, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yano et al. in view of Tomidokoro as applied to claims 1, 8 and 16 above, and further in view of U.S. Patent 6,108,099 (Ohtani).

Regarding claims 5, 13 and 19, the combined teaching of Yano et al. and Tomidokoro suggests an initial consumable assist function comprising an identifier of the image consumable being monitored (in Yano et al., parameters indicating remaining number of sheets and remaining amount of toner (column 3, lines 37-57) selectively displayed, one at a time (column 4, lines 4-10)). The combined teaching does not suggest an identifier of a supplier of the image consumable. Ohtani discloses storage of an initial consumable assist function including an e-mail address of a supplier of

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paper and toner (column 5, lines 39-48). As mentioned above with respect to Tomidokoro, automatically transmitting a consumable order request when a consumable needs to be replenished relieves a user of the responsibility of having to create and transmit such a request when a shortage of a consumable is detected at one of the copiers, which would be necessary in Yano et al. One of ordinary skill in the art would have recognized that In order for the request to be transmitted automatically from a copy machine to a supplier, an identifier of the supplier would need to be stored, and thus it would have been obvious to modify the combined teaching of Yano et al. and Tomidokoro by providing for storage of the identifier of a supplier, as disclosed in Ohtani, along with an identifier of the image consumable being monitored.

Regarding claims 6, 14 and 20, the combined teaching of Yano et al. and Tomidokoro suggests or would have rendered obvious another consumable order assist function comprising an identifier of the image forming device and an identifier of the image consumable being monitored (as mentioned above with respect to claim 7, the processing circuitry disclosed in Tomidokoro is configured to formulate the another consumable order assist function comprising an order for the imaging consumable being monitored, and the processing circuitry is configured to forward the order to a predetermined location (data communicated from one of the copiers to a central control apparatus includes an information code representing amount and kind of consumable item requested (column 12, lines 27-48). While a code identifying the copier making the request is not explicitly disclosed, such a feature is well known in the art, and one of ordinary skill in the art would have readily recognized the need to provide such

information, since it would be difficult to determine which copier made the request otherwise). The combined teaching does not suggest an identifier of a purchaser of the image consumable. Ohtani discloses an identifier of "where to notify of abnormal conditions" (column 5, lines 36-39). This refers to an official responsible for a fax machine that has transmitted an order request, (column 6, lines 16-36), and it is likely that this person would be responsible for purchasing the consumables identified in the request from the supplier. It would have been obvious for one of ordinary skill in the art to provide this information in a consumable order assist function, as disclosed in Ohtani, so that a supplier can identify who is responsible for paying for the purchase of the identified consumables in a consumable order assist function.

***Allowable Subject Matter***

5. Claims 23-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. The following is a statement of reasons for the indication of allowable subject matter: The cited prior art references do not disclose or suggest an initial consumable order assist function comprising one of an identifier of a supplier of an image consumable and an identifier of a purchaser of the imaging consumable and an another consumable order assist function comprising an other of the identifier of the supplier of an image consumable and the identifier of the purchaser of the imaging consumable, wherein the initial and the another consumable order assist functions are different, as recited in claims 23 and 25, and as similarly recited in claim 24.

***Response to Arguments***

7. Applicant's arguments filed in response to the prior rejection of claims 1-22 as set forth in the prior Office action have been fully considered but they are not persuasive.

Applicant alleges, on pages 9 and 10 of applicant's response, that Yano et al. do not disclose processing circuitry configured to replace an initial variable with another variable configured to control the formation of another of the consumable order assist functions. Applicant states that the display of certain parameters one at a time and selection of the displayed parameter, as taught by Yano et al., is "absolutely irrelevant to any replacement of a variable with another variable." Contrary to applicant's assertion, the teaching of Yano et al. is relevant to such replacement. Yano et al. clearly state that parameters may be viewed selectively, or may be viewed one at one time (column 4, lines 8-10). If parameters are viewed one at one time, it is clear that each parameter to be viewed "replaces" the preceding parameter on the display. Keyboard 26 clearly facilitates such replacement.

Applicant further states that suggestion of the replacement of the variable as set forth in the prior Office action is "non-sensical" in view of the statement on page 3 of the action that the storage circuitry and processing circuitry are not configured to store, process or communicate a variable. This statement is not well-taken.

The passage in the Office action referred to by applicant reads as follows: "The storage and processing circuitry and interface disclosed in Yano et al. are not configured to store, process and communicate a variable *configured to control the formulation of an initial one or another one of a plurality of consumable order assist*

*functions configured to assist replenishment of an image of an image consumable*, as the disclosure is not concerned with communicating orders for replenishing copy sheets or toner.” Apparently, applicant considered only the first part of this sentence, while completely ignoring the second part. Obviously, Yano et al. provide for storage, processing and communication of variables, as set forth above. What is not disclosed in Yano et al. is the formulation of consumable order assist functions. However this feature is taught by Tomidokoro.

Applicant asserts, on page 10 of applicant's response, that Tomidokoro does not teach or suggest replacing a variable configured to control the formation of an initial consumable order assist function with another variable configured to control the formation of another function. Applicant states that Tomidokoro is the same responsive to reception of the polling signal and no replacement is taught or suggested. This assertion is not deemed persuasive. Tomidokoro, as mentioned above, provides for the replenishing of consumables in response to a polling signal from a data communication apparatus. When a consumable needs to be replaced, a consumable order request is transmitted, thereby relieving a user of the responsibility of having to create and transmit such a request when a shortage of a consumable is detected. One of ordinary skill would have recognized the advantage of this feature, which is not disclosed in Yano et al., and thus the combination does suggest the limitations of the claims.

Applicant further states that the prior art fails to disclose or suggest processing circuitry configured to formulate another consumable order assist function responsive to the reception of a signal from a sensor configured to monitor a status of an imaging

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consumable. Applicant states that Yano et al. require depression of suitable keys to output data signals as opposed to outputting as a result of output of a sensor. However, it is the reception of the signal from the sensor that indicates to a user that a consumable needs to be replaced. In Tomidokoro, even though an output is provided in response to a polling signal, it is the output that indicates that a consumable order request needs to be transmitted, and thus a combination of Yano et al. and Tomidokoro would provide for formulating a consumable order assist function responsive to the reception of a signal from a sensor configured to monitor a status of an imaging consumable.

Applicant further states on page 11 of applicant's response that the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. It is the examiner's contention that combining the teachings of Yano et al. and Tomidokoro would have been blatantly obvious to one of ordinary skill in the art, regardless of whether a desirability of combining is explicitly stated in either reference. As mentioned above, Tomidokoro automatically transmits a consumable order request when a consumable needs to be replenished, thereby relieving a user of the responsibility of having to create and transmit such a request when a shortage of a consumable is detected at one of the copiers, which would be necessary in Yano et al. Therefore, it would have been obvious for one of ordinary skill in the art to modify the teaching of Yano et al. by providing a means for enabling a copying machine to create and transmit a consumable order request in the manner disclosed in Tomidokoro.



Applicant further asserts that any combination of teachings of Tomidokoro regarding the external system with the copiers of Yano et al. would require significant modification which would change the principle of operation of the system of Yano et al. including the copier group. Examiner disagrees. The teaching of Yano et al. allows a user at a copier to monitor the status of other copiers. The teaching of Tomidokoro enables a user to output a request to a supplier based on the status of other copiers. Modifying Yano et al. by enabling the monitoring copier to output a request in the manner disclosed in Tomidokoro does not alter the way in which the copiers of the copier group operate, and thus would not change the principle of operation of the system of Yano et al.

Applicant asserts on pages 12 and 13 of applicant's response, regarding claims 5 and 6) that the teachings of Ohtani are inapplicable to the teachings of Tomidokoro, since Tomidokoro already provides a system for ordering a consumable from a supplier associated with the central controlling device, and thus there is no need for processing circuitry of the image forming device to formulate the consumable order assist function to include an identifier of a supplier of the consumable, or an identifier of a purchaser, in view of the arrangement of the central controlling device ordering from the existing supplier. It is the examiner's position that even though Tomidokoro discloses an existing supplier, Ohtani suggests that plural suppliers may be contacted for supplying consumables, for separate E-mail addresses are indicated for the supply of paper and toner (Ohtani, at column 5, lines 35-49). One of ordinary skill would have recognized that a single supplier might not carry all of the desired consumables, thereby requiring

communication with other suppliers (and thereby requiring supplier identification). Thus the teaching of Ohtani is applicable to the teaching of Tomidokoro. Furthermore, motivation on page 12 of the prior Office action is not contrary to the explicit reference teachings. It is not reasonable to assume that a supplier serves only one purchaser. It is much more likely that a supplier does business with a large number of purchasers, in which case an identifier of a purchaser is necessary so that consumables may be sent to the correct location.

Applicant further asserts, regarding claim 8, that the keyboard in Yano to indicate parameters to be displayed and selective view provides no teaching or suggestion of replacement of a variable or replacement of a variable configured to control the formulation of a consumable order assist function. This argument was addressed above with regard to claim 1. Applicant further states that the "misplaced" reliance upon the keyboard teachings of Yano may be in no fair interpretation be considered to disclose or suggest the claimed host device separate from the image forming device or the host device configured to provide the another variable to the image forming device as claimed. But the host device in Yano (one of the copiers, which includes a keyboard) is clearly separate from the image forming device, and clearly provides the another variable to the image forming device (Yano, at column 4, lines 4-19).

The remaining arguments at page 14 of applicant's response had been previously raised were addressed above.

***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Applicant has requested that, in the event that a rejection of the claims is maintained with respect to the prior art, or a new rejection is made, a non-final action identifying elements which allegedly correspond to limitations of the claims. However, such elements have already been identified, and thus the final rejection is appropriate.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas D. Lee whose telephone number is (703) 305-4870. The examiner can normally be reached on Monday-Friday (7:30-5:00), alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (703) 308-7452. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thomas D. Lee  
Primary Examiner  
Art Unit 2624

tdl  
January 6, 2005